In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been given to The Daily Record and posted at the municipal building.

ROLL CALL:
Members Present: Joe Fleischner, Brian Schaechter, Mayor Greenbaum, David Koptyra, John Mania, Dan Nelsen, Nelson Russell, Kim Mott, Howie Weiss

Members Excused: Frank Wilpert, Jr., Henry Fastert

Professionals Attending: Tiena Cofoni, Esq., Catherine Natafalusy, Planning Administrator/Secretary

Professionals Excused: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Edward Buzak, Esq.,

MR. WEISS: Thank you. Before we get into our agenda tonight I just have one announcement. If anyone is here for PB 15-27 which is Petillo application that has been carried it will be heard on December 10 there is no further notice. So if anyone here for that application it will not be heard tonight and it will be on agenda for December 10. We will get right back into our regular agenda. We have two resolutions.

First resolution is PB 15-14 Motion, and we all have received a copy of that. If anyone would like to discuss the resolution, please make a motion.

MR. SCHAECHTER: I will make a motion to move PB 15-14 Motion.

MR. WEIS: Interesting, you're making a motion for the motion. Motion squared. Will anyone second that?

MR. RUSSELL: I will second the motion.

MR. WEIS: Nelson, thank you very much. Any comments? Seeing none, let's take a roll call.

Roll Call:

Brian Schaechter	-yes
Mayor Greenbaum	-yes
David Kotyra	-yes
Dan Nelsen	-yes
Nelson Russell	-yes
Kim Mott	-yes
Howie Weiss	-yes

MR. WEISS: Second Resolution PB 15-26 Roadranger Holdings LLC.

MR. SCHAECHTER: I will make that motion as well for PB 15-26.

MR. NELSEN: Second

MR. WEISS: Thank you, Brian. Dan, thank you for the second. Any comments? Seeing none, roll call.

Roll Call:

Brian Schaechter	-yes
David Kotyra	-yes
Dan Nelsen	-yes
Howie Weiss	-yes

COMMITTEE REPORTS

MR. WEISS: Committee Reports. Mayor.

MAYOR GREENBAUM: None

MR. WEISS: Mr. Mania, Council?

MR MANIA: None

MR WEISS: Mr. Nelson, Environmental Commission?

MR. NELSEN: None

MR. WEISS: Joe, anything from the Ordinance Committee?

MR. FLEISCHER: No

MR. WEISS: I have nothing from Street Naming Committee. Kim, anything from Open Space?

MS. MOTT: Nothing

MR. WEISS: Record time. Ok. Last week we did push off a discussion matter that I want to continue this evening. In your packet that Catherine set, we had a conversation an article about continuing education. As we all know, everyone on this Planning Board has gone though very specific training as required by the state. …someone sneezed. Bless you. …and a conversation came up this article was kind of very timely that the suggestion is certainly for the Planning Board Members that have been around a long time or certainly have been around long enough that there are enough changes. The thought was that maybe some of us, and myself included, might want to think about going back for some continuing education that might help us get caught up to speed with some recent changes in land use, some new rules, and new regulations. And I thought it was a great idea. So working with Catherine, and certainly with the Mayor's Office, we have the money in the budget for us to attend continuing educations classes, and I thought that we should discuss this as a Planning Board to see if anybody objects because it going to be all or none. I think if we decide to go, it's going to be all of us. ….Catherine is that the way we would go?

MS. NATAFALUSY: Well yes, we could go individually..

MR. WEISS: No I understand. I don't think if we decide that, you know, take myself for example, or Joe, I mean John, have been around a long time…

MS NATAFALUSY: I think Council Representative and Mayor would not have to go. Just the…

MR. WEISS: So, for the purpose of my example. Joe and I have been around a very long time….and I'd like to use a third example. Um…Nelson..most of us have been here for quite a while. I think it's a good idea that the Planning Board thinks so then all of us will do it. So I think that's a great idea but not for me.

MS. NATAFALUSY: Right.

MR. MANIA: Do I get lunch?

MR. WEISS: No, but I'm sure we can figure out something about a lunch. So is there any conversation, any concerns? I think it's a great idea.

MR. RUSSELL: Is it in the evening, Howie?

MR. WEISS: I'm sorry?

MR. RUSSELL: Is it in the evening?

MR. WEISS: Well…

MS. NATAFALUSY: It's usually a Saturday. Sometimes they have it at the Policy Academy on West Hanover. Sometime they have it Sussex County Community College. You know, it's all over so it depends on when they're offered and when you want to go.

MR. NELSEN: Is there an online option?

MS. NATAFALUSY: Not that I'm aware of, but I can find that out.

MR. SCHAECHTER: Get into the 21st century.

MAYOR GREENBAUM: Maybe now with your fire stick there is an on-line…

MR. WEISS: It's got everything else right? Well, let's do this. I think I'm not hearing any resistance that it's not a good idea. So guys perhaps we can send out…let's talk about email…cause it's going to be a couple of weeks before we meet again. And perhaps you have a couple of dates or the schedule that we can look at. Like Catherine said, we all do not have to go together but I think we all should all go. Is there anybody on the Planning Board that needs training right now?

MS. NATAFALUSY: Henry.

MR. WEISS: Henry, ok, so we're killing two birds with one stone with Henry so…..Let's do that. I'm going to suggest that Catherine gets us the list. The course schedule and we can look at it and discuss it. Um…. Does anyone have a problem….

MR. MANIA: Where's it held?

MR. WEISS: Well that's what Catherine just said. Sometimes it's at the Police Academy, it's…

MS. NATAFALUSY: Sussex County Community, I think, Paramus, Bergen, you know.. Somerset, I think, Brian you went to Somerset or something didn't you?

MR. SCHAECHTER: No, I went to like North Hunterdon.

MS. NATAFALUSY: North Hunterdon, yea so….

MR. WEISS: But you know I can also make another suggestion. And I'm not sure who gives the courses. I remember when we had it, there were enough members of the Mount Olive Planning Board that it was done here. Right here in this room. And I was wondering if we are going to bring nine people then maybe…

MS. NATAFALUSY: I think Roger Dolan did it when he was a….

MR. WEISS: Maybe we can ask Roger to come here. Maybe he won't.

MS. NATAFALUSY: Talk about it…

MR. NELSEN: Wasn't it one of Ed's partners or something?

MR. WEISS: No, no, it was a former Planning Board Attorney. It was the attorney before Ed I believe.

MS. NATAFALUSY: Yes, in between.

MR. MANIA; He's up in Newton…..I think.

MR. WEISS: Maybe we can do that if we find out, maybe we can make that request that we have nine people from Mount Olive. We'll talk about it.

MS. NATAFALUSY: We'll talk about it.

MR. NELSEN: Was it Cox who did that?

MAYOR GREENBAUM: Roger Thomas works for Cox and Cox.

MR. WEISS: Ok. So let us table it only until we have some dates and then we'll look at the dates. But I think we are going to do it. I see no resistance doing it. And I think it is a very good idea.

MS. NATAFALUSY: It will probably be the spring of next year.

MR. WEISS: Ok. Fair enough. Alright, thank you for that. Let's move into our agenda tonight. The first development matter is PB 15-20 Leonard Cholish requesting a variance for insufficient lot width at 28-1 Bartley Road, Block 6900 Lot 29, Mr. Cholish if you would. I know you have been in front of us before so we will repeat the process. You will be sworn in by the attorney.

(MR. CHOLISH IS SWORN IN FOR THE RECORD)

MR. CHOLISH: My name is Leonard Cholish C H O L I S H.

MR. WEISS: Good, thank you, Mr. Cholish.

MS. COFONI: And your address. I'm sorry.

MR. CHOLISH: Oh my address…9 Elaine Court, Califon, New Jersey.

MR. WEISS: Ok. So your application, Mr. Cholish, is essentially..um.. an extension, not really an extension, but here you received an approval. The approval lapsed.

MS. NATAFALUSY: He needs a reapproval.

MR. WEISS: So you're looking for a reapproval of the application that you presented to the Planning Board back in 2010. It was the spring of 2010 I believe. Right?

MS. NATAFALUSY: It was approved on May 20, 2010.

MR. WEISS: Ok. So basically you are looking for a reapproval of an application that was previously approved. We have a resolution from May 2010. We have a report from our Engineer which I am sure you have a copy. The facts in that report have not changed. I know the report is dated 2010. So what we need to do is just hear from you about the situation. What happened, why did it lapse? And what is anything or nothing will change of your request with the Planning Board.

MR. CHOLISH: Well at that time I think I went to um get the extension to move…I sold the property and had a contractor on the property. We found out that because the zoning was changed from 1 acre to 5 acres or 3 acres and I didn't have enough frontages. So in the interim I went and lost the contract. And that was 2010 I think the markets kind of continued to go down. The property, you know, went from say $150,000/$200,000 in value which was that contract. And I have not been able to sell that. I keep reducing the price. And in May of this year I had another potential buyer and he wanted to jump right on it. And I came and didn't realize that I had to go back and do this again. And he had to start the building project in May or close to May to be able to get it done. So you will get it closed up for the winter. That was one of his contingencies and we were not able to get it through the board. So at this point, I'm going to do it now and hope I get another contractor within the next year.

MR. WEISS: So are you waiting for a contractor to start performing some of the items in the conditions of the approval? Like…

MR. CHOLISH: I don't think the conditions were…. I'm not sure….I don't even remember what the conditions were.

MR. WEISS: Well you still have the Highlands Act exemption

MR. CHOLISH: Yes, I'm already through the Highlands Act.

MR. WEISS: Okay. We have to make sure that exemption didn't expire.

MR. CHOLISH: But we had that conversation before the last time I came here.

MR. WEISS: Does that expire?

MS. NATAFALUSY: No

MR. WEISS: Ok.

MS. NATAFALUSY: Ok. So, a dry well has to be installed on the property and the plans have to be revised to include the design calculations and the details for the dry well. So that was never done from the last time around.

MR. CHOLISH: No. But I think the when buyer decides where he wants to put the well vs. moves the septic well blah, blah, blah, you know I didn't think I should…..

MR. WEISS: No, no, I'm not suggesting that you should have to do it. I just want to make sure you are aware those are the things, those conditions that were, went with the resolution at that time, were still going to be in effect.

MR. CHOLISH: Right, right.

MR. WEISS: And if there is any of them that have been satisfied, then we can certainly, um..Ok so the attorney just confirmed there is nothing on there. That that's ok. Not a bad answer. I just wanted to make sure that there was nothing that we shouldn't repeat.

MR. CHOLISH: I didn't have any money to…

MR. WEISS: I don't blame you for that. I certainly don't blame you. I'm just trying to keep good records. That's all. So there is no reason to duplicate anything on the resolution. Tiena, is there a certain course we should follow on something as far as a reapproval? Do we need certain testimony for the record?

MS. COFONI: Yes, I think we need to find out exactly what the proposal is for example, the construction of a single family dwelling on the lot. The reason for you coming here is because you need a C Variance Approval for lot width. And the lot width that is required is ….. do you know how big?

MR. CHOLISH: I think 200, and I have one 180.

MS. COFONI: 200 and you have 180.

MR WEISS: This, this testimony…

MS. COFONI: You have, I think 160…

MR. CHOLISH: 160?

MS. COFONI: That's what the resolution says from last time.

MR. CHOLISH: I think 151…

MS. COFONI: 151?

MR. WEISS: 151.04.

MS. COFONI: I don't know why I have 160. I don't know why I wrote 160. No, I have that. Ok. Alright. So, let me make sure we have 151.04. Ok. So that's the variance testimony that you are…um...

MR. WEISS: And the fact that the testimonies already been given, you still think we need to hear it?

MS. COFONI: Well

MR. WEISS: Ok.

MS. COFONI: We just heard it.

MR. WEISS: Ok. We did. So, for the benefit of the Planning Board Members, why don't you review the project that you intend, and the reason that you're here. Kind of generalize just for the informational purpose of the Planning Board who was not here back in 2010. Explain to them what you are doing. That might be a good idea.

MR. CHOLISH: Subdivided lot met all the boundaries and I was going to save the lot for my daughter or one of my four children and in 2007/2006 so I bought a big farm and build a big house. And I was somewhat in need of money so I decided in 2008 or 2010 that let me sell this…the children were, you know…I was going to save it for them, …… I went and put it up for sale and I had a sale and then um we went to the town for a building permit cause I went through Highlands, I went through Wetlands, I have all those ok's, and we came down to town for a building permit and they re-zoned it from whatever it was, 1 acre to 5 acres and subsequently I was short on the frontage. Even though the lot I think is sizable enough at 2 ½ acres. But um… in 2010 I was granted the permission um you know the variance and um markets have proven difficult to sell the property and um at this point I'm probably going to take whatever I'm going to get for it because…to try to get another buyer…I'm going to make sure it's ready to go. I want to start…I'm hoping in April or May to start a building.

MR. WEISS: Ok. And your plan is to on this particular property build a single family house.

MR. CHOLISH: Yes, that what the allowance is allowed. One single family home and I think…there was like…I forget the exact calculations for the impervious number that I'm allowed.

MR. WEISS: Do you happen to have a list in front of you of the variance request that you are making to the Planning Board?

MR. CHOLISH: The…um..

MR. WEISS: You need certain variances and I just wanted you to be able to state for the record what those variance requests are. You are asking the Planning Board for a waiver from certain standards.

MR. CHOLISH: Right.

MR. WEISS: We've identified the minimum lot width…

MR. CHOLISH: Insufficient width.

MR. WEISS: Insufficient width. That's the only one?

MR. CHOLISH: That was the only one.

MR. WEISS: Ok. And that still remains?

MS. NATAFALUSY: Yes, the lot width. We were just discussing because when he was here the last time he is in the RR-A Zone which is a 3 acre minimum. And he's got 111,000 square feet.

MR. WEISS: With 2 ½ acres…

MS. NATAFALUSY: Yes, 2 ½ acres. But in that zone district, I think before we just changed the ordinance, it was 100,000 square feet.

MS. COFONI: And now it's 3 acres.

MS. NATAFALUSY: And now it's 3 acres. So that could be another issue.

MR. WEISS: So I heard Mr. Cholish talk about the 5 acres so that's not accurate. It's a 3 acre….regardless.

MR. CHOLISH: Five years ago that I came before you guys…..

MR. WEISS: That's ok. We just want to make sure that we have the records.

MS. COFONI: Ok so what I think we need is a lot width variance and a lot area variance.

MS. NATAFALUSY: That's what it looks like.

MR. CHOLISH: Yes.

MR. WEISS: That is why I ask the question to make sure we have identified any other variance that you might need. It will help you in the long run too, to make sure….

MR. CHOLISH: That's right. I don't want to come back.

MR. WEISS: I don't blame you. So you really….I can't really ask you when you think you will be done with this because you need to first go out and mark your property and look for a buyer. And I'm sure you'll be building a home to suit. Contract purchase, you'll develop the home based on the needs of the buyer and that home will be built in accordance to the land use of the zone plan that's in effect now.

MR. CHOLISH: Yes, Sir.

MR. WEISS: Let's talk about any surrounding properties. I'm only looking at a portion... I'm sorry…

MS. COFONI: And the ability to purchase…property on either side of you or around you to increase your lot size.

MR. CHOLISH: The two houses on…the house on the left and the right are small less than, less than an acre, probably ½ acre…well the Haze property is the 7:18.55 subdivided that property off the same size, it's 2 ½ acres also. The property on the left is maybe ½ acre.

MR. WEISS: Are there homes on the properties around this?

MR. CHOLISH: Yes, and it's all Green Acres behind the property.

MR. WEISS: Ok. So you really don't have any opportunity to expand the size of your lot..

MR. CHOLISH: No, Sir.

MR. WEISS: Ok. Um…the homes, I only have a very small portion of the plot so, hard for me to say. Tell me the nature of the neighborhood are there other homes similar to the one you are proposing?

MR. CHOLISH: I actually used to own...um...one of the homes next to it. It used to be a gas station/general store. And that was my house, and I sold that to Joe Haze who put the golf course in Mount Olive and then Long Valley. Um…and that's a small…that lot is like um…less than an acre also and then there's Russo who had about an ½ acre lot. And then the house that was right next to my property was just sold and I believe that was about ½ acre also. They were all pretty small lots along that road.

MS. COFONI: What did you say was the property to the rear of yours?

MR. CHOLISH: To the rear is Green Acres.

MS. COFONI: Oh Green Acres.

MR. COLISH: It was going to be a golf course back there. We subdivided, Joe Hays and myself, subdivided that off 95. He was going to put a gold course back there across the whole back of the property and spent three years and the money dried up and things changed and…it was excessive to one acre back them….

MS. COFONI: Ok.

MR. CHOLISH: Zoning has changed.

MS. COFONI: So all the conditions that are in your previous resolution will be in this resolution as well?

MR. COLISH: I'm aware of that…

MS. COFONI: And, actually, why don't I…if the Chairman….

MR. WEISS: I just want to make sure that Mr. Cholish doesn't need to make the same proofs that he made when we granted the variance the first time. Um…it is important to do that? The question is I'm thinking about the neighborhood itself and if you build…if you build…this home on an undersized lot with a shortage on lot width, it is going to take away from the neighborhood? So, my question is…and

you already testified to it…so maybe you can put it in context…my question is…are there other homes in the surrounding neighborhood that have similar conditions? And the concern of the Planning Board is that we don't grant the variance a waiver to you that makes your home kind of look like the odd ball if you will.

MR. COLISH: I could give you a rough idea of the front inches I believe that the Russo home is less than…probably 7,500 feet. The house approximate….on the left…on the left side of my property…um…that may be 100 feet at most. It's not…I think I have more frontage than they do…and the gas station had…that was a gas station not non-conforming use um....that the 3 houses are square footage wise smaller…and like I said…the lot sizes are less than…probably 25 percent of what my 2 ½ acres are…

MR. WEISS: So what if I were to say that the Planning Board was to grant your variance, it would not cause any substantial detriment to the neighborhood…

MR. CHOLISH: No, I think in fact it would elevate the homes. The home being built…

MR. WEISS: Sure

MR. CHOLISH: Will be sufficiently larger and more valuable that the other homes

MR. WEISS: And certainly building a home in a residential zone doesn't take from the overall zone plan that's in place right now. Would you agree to that statement?

MR. CHOLISH: Yes, Sir.

MR. WEISS: Tiena, do you have anything?

MS. COFONI: Yes, I am just looking at some of the testimony from last time and just to refresh Mr. Cholish's memory…um…he testified last time that the lot is irregularly shaped and it partially encumbered by wetlands. Property is narrow at the roadway opens up into a larger lot further from the road.

MR. CHOLISH: Yes.

MS. COFONI: Um…you testified that the neighboring lots all have a lot width of approximately 100 feet which is what you just testified to, therefore, the lot width for this property is consistent with or greater than the width of the other lots in the neighborhood.

MR. WEISS: So it sounds like Mr. Cholish certainly proved the negative criteria that would be required for him to do in this request for the variance. Is it…You don't own a corner lot, do you?

MR. CHOLISH: No.

MR. WEISS: Yes…it just looks like a corner lot.

MS. COFONI: Oh right, yes.

MR. WEISS: Ok.

MS. COFONI: It's cause that's all you see.

MR. WEISS: So bordered by…as Tiena just read…those conditions are still applicable today, correct?

MR. CHOLISH: Yes.

MR. WEISS: Comments made then, so…I would imagine, Tiena, tell me if I'm wrong that the positive criteria seems to have been met as well as the negative criteria that's kind of the obligation of the applicant to do that for the Planning Board. I just want to make sure we have enough for the record…

MS. COFONI: Um huh.

MR. WEISS: …to satisfy the attorney and it sound like we do so let me see if anybody from the Planning Board has any questions for Mr. Cholish. I see none. Anybody from the public have any questions? I see none from the public so I'll close it to the public.

MAYOR GREENBAUM: I'll move PB 15-20

MR. NELSEN: Second

MR. WEISS: Before you do that I was going to ask Mr. Cholish if he had anything else he wanted to add and apparently he is telling us no. Mr. Greenbaum?

MAYOR GREENBAUM: I'll move PB 15-20…

MR. NELSEN: Inaudible

MAYOR GREENBAUM: It's not an extension.

MR. WEISS: It's a brand new approval.

MR. CHOLISH: That would be something I would ask. Is that..I just spent another..to go through this again…just in case it doesn't sell is there anyway…

MR. WEISS: Ok. Here let me explain the process to you. With an approval today, if such is given you are automatically given 3 years?

MS. NATAFALUSY: 1 year

MR. WEISS: Oh. 1 year.

MR. CHOLISH: See that's…that's…what…

MS. NATAFALUSY: But then you can come back from an extension.

MR. CHOLISH: I thought it was a number of years.

MR. WEISS: So an extension request is very simple. It's a much simpler process than getting a re-approval.

MS. COFINI: You just send in a letter and you come…for an extension

MR. CHOLISH: Much easier.

MS. COFINI: Right.

MR. WEISS: Yes.

MR. CHOLISH: And cheaper.

MR. WEISS: It's virtually I don't want to say no cost it virtually limited. So we can't give…

MS. COFINI: It's 1 year.

MS. NATAFALUSY: It's 1 year.

MR. WEISS: We have no option. We are…the Planning Board has to give you 1 year approval and at that point I suggest that you watch the calendar. It will be effective as of the date….

MR. CHOLISH: My new phone.

MS. NATAFALUSY: There you go.

MR. WEISS: Effective as of the date that the resolution is signed which if it's passed would be sometime next month. And so keep that date handy and give yourself a good 6 weeks prior, maybe 2 months…

MS. NATAFALUSY: Yes. If by next August you don't see it selling, just send a letter in saying you want an extension.

MR. WEISS: Can we explain to Mr. Cholish the process at that point. What he is entitled to. At that point you come before the Planning Board for an extension request and he can ask or we can grant…up to the Planning Board we can grant…

MS. COFINI: It is. There is no time period set forth…

MR. WEISS: At that point we can really negotiate a little bit based on what you are asking for but right now…

MR. CHOLISH: Ok. This is initial

MR. WEISS: Right now, it's initial. It's up to you to watch the dates so I'm going back to the Mayor. You made a motion…

MAYOR GREENBAUM: Yes.

MR. WEISS: …to accept this application

MR. NELSEN: Second.

MR. WEISS: Dan Nelsen has seconded it. Any conversation? Seeing none, Catherine roll call:

Roll Call:

CHECK NAMES	
Joe Fleischner	-yes
Brian Schaechter	-yes
Mayor Greenbaum	-yes
David Koptyra	-yes
John Mania	-yes
Dan Nelsen	-yes
Nelson Russell	-yes
Kim Mott	-yes
Howie Weiss	-yes

MR. WEISS: Mr. Colish, good luck to you. I suggest you put that date in the calendar, and you can pick up the resolution.

MS. NATAFALUSY: I'll mail it to you.

MR. WEISS: Perfect. Have a good night. Ok. Our final application on the developmental matter today is PB 15-29 Naim Collaku requesting both variances for reconstruct single family dwelling at 8 Station Road, Block 1200, Lot 14. Mr. Collaku, you can please….Good evening.

MR. COLLAKU: Good Evening.

MR. WEISS: Are you representing Mr. Collaku?

MR. DOUGHERTY: Yes, I will be representing Mr. Collaku.

MS. NATAFALUSY: Are you the artichect?

MR. DOUGHERTY: Yes, I am.

MR. WEISS: Ok. So what we'll do I wasn't sure if you were the attorney or artichect or the planner or the engineer. But we'll…we will swear in Mr. Collaku…

MS. COFINI: Actually, I'll swear you both in…if you will…

(MR. COLLAKU AND MR. DOUGHERTY ARE SWORN IN FOR THE RECORD)

MR. COLLAKU: My name is Naim. Last name Collaku. Spelled C O L L A K U.

MR. WEISS: I am sorry for messing that up too, by the way.

MR. COLLAKU: The address is 8 Station Road, Budd Lake, New Jersey.

MS. COFINI: Thank you. And Sir, you please.

MR. DOUGHERTY: My name is Christopher. Last name Dougherty D O U G H E R T Y. The address is 36 Charles Terrace, Waldwick, New Jersey.

MR. WEISS: Ok. So let us do this, we will then, gentlemen please have a seat. Sir, if you would why don't you explain to the Planning Board why you are here. What you request is and maybe tell us the story of that brought you here today. You can certainly relax, you can move the microphone closer to you. We are just here to listen.

MR. COLLAKU: Ok. On May 24 this year we lost our house to a fire incident. And based on the investigation the insurance company said it is a total loss. We are trying to rebuild. We are using the same structure and the same foundation. Not taking an inch more than length of what we have already. That's why I came here for the variance. And to get the permit to start building. Because we passed already 5 months and it's late.

MR. WEISS: So, Catherine, I'm going to have you jump in maybe you can set the tone from a land use perspective. The home that burn was a pre-consisting non-conforming?

MS. NATAFALUSY: Yes.

MR. WEISS: And so, therefore, the applicant needs to come back tonight for the sole reason that he is….

MS. NATAFALUSY: The house is more than 50 percent damaged so he is demolishing and then rebuilding. Just like we had a couple of months ago.

MR. WEISS: Yes, we've heard…I just want to make sure… that…that um…the reason that he is here rather than seeking a building permit is because he is looking to rebuild and the same footprint which technically was a pre-existing non-conformant. So although your home…you told us you were going to build exactly what was there. What was there exceeded the zone, the book standards, as they existed. It was that way before the zone went into effect that is why it is a pre-existing. It was non-conforming. It was totally ok for you to build on it. But now for your to build on it, you will need the variances to repeat that so. I think that is a fairly good explanation to understand to the Planning Board why he is here tonight. And of those variances, there is 4 that you are asking for. A substandard lot area, you will need a variance for a front yard set back from the principle structure, a side yard setback from the principle structure, and the property…the building will exceed the maximum building coverage that is permitted. So those 4 variances are what you are requesting, and so we might want to continue to talk to us a little bit about the property, about the type-phography about the property. Tell us anything you think might help us. I certainly believe the hardship is in the fact that the fire destroyed the home, and I don't how that factors into the equitation but it certainly is a hardship. I'm looking at a map again and you'll tell me but it doesn't appear you live on a corner lot…um…you don't have any kind of unique situations, but why don't you continue to…I'm looking it up right now…why don't you continue to talk to us a little bit about the property the existing situation that you have. Talk about the houses, I see here lot 14, talk to us about lot 13, 15, the type of homes that are there, maybe the type of community that is was prior to the fire. Just give us some information as to why you are going to rebuild the same type of home. And I'm sure we will hear from the artichect as to what the difference will be. But give us a story about the surrounding conditions…the existing conditions.

MR. COLLAKU: Ok. The neighbors, we have been there for more than 13 years, the neighbor built house one story, one single family home. The next one is the new house built. And just has a new one came this year. The old one, the neighbors been there longer than me. We have good relationship with them. There are no kids here. Inaudible. We ask to stay again at the same place on the same lot.

MR. WEISS: Um…Catherine, the RR-AA zone is the minimum lot size of what?

MS. NATAFALUSY: 5 acres.

MR. WEISS: It's a 5 acre zone. This home is…this tract is almost 18,000 square feet.

MS. NATAFALUSY: 17,946 square feet.

MR WEISS: So slightly under ½ an acre.

MS. NATAFALUSY: Yes.

MR. WEISS: Correct?

MS. NATAFALUSY: Yes.

MR. WEISS: Ok. We have a couple questions we need to address. Catherine, on your report in Section C - you're deferring to the Board Attorney as to whether variance is required for insufficient lot area.

MS. NATAFALUSY: Right

MS. COFINI: It is.

MR. WEISS: And it is. Ok. So that is a variance that we are going to stick with. And then I just wanted to jump ahead to Page 2 of your report under the exceeding maximum permitted amount of building coverage, your office calculated it to be 8.7. And I think you said there is a correction.

MS. NATAFALUSY: Yes, I spoke to the artichect because we came up with different numbers and it turns out I had the deck included in the coverage and he didn't. He still needs…even if we take the deck out…he still needs the variance for exceeding because then it's 7.6 percent as opposed to the 8.7 percent.

MS. COFINI: So we don't count the deck normally?

MS. NATAFALUSY: We haven't…but I think…we have but I think we are going to change the ordinance.

MAYOR GREENBAUM: Was there a deck on the old house?

MS. NATAFALUSY: Is a deck on the old house? He's reducing the size of it. He's also…here's some photographs I was out at the site last week.

MAYOR GREENBAUM: There is no expansion of the conforming pre-existing…

MR. WEISS: Well, no, not on the footprint. We'll hear from the artichect.

MS. NATAFALUSY: He's taking…

MAYOR GREENBAUM: Going up. So the fact he's going up.

MS. NATAFALUSY: He's going up a level.

MAYOR GREENBAUM: As long as he is in the same foot print, He doesn't need a d2 variance then

MS. NATAFALUSY: He's not expanding the non-conforming use.

MS. COFONI: Right

MS. NATAFALUSY: Right

MAYOR GREENBAUM: So that voids because he is going up rather than out he doesn't need the use variance.

MS. NATAFALUSY: Right. It's a non-conforming structure but….

MS. COFONI: But the use is conforming

MS. NATAFALUSY: The use is nonconforming.

MR. WEISS: The use being requested is certainly nonconforming.

MS. NATAFALUSY: Right.

MR. WEISS: Ok. So…..ok so I am not sure if we need more about the positive criteria. I'm not sure if the loss…the total loss by fire qualifies.

MS. COFONI: I think that is certainly a factor. It's certainly a hardship.

MR. WEISS: Ok. So what we need to do is certainly make sure the proofs are on record from you. And I did ask you a question about the surrounding homes. Your home was in existence with these other homes. For how…how old was the house? The one that burnt down.

MR. COLLAKU: The home was built in 1940.

MR. WEISS: So the homes to the right and left are about the same?

MR. COLLAKU: Same.

MR. WEISS: Ok. So the community, you're neighborhood, was pretty much peacefully co-existing since the 40's plus or minus. So, we are talking quite a few years. The new home you are going to build will be a replica for the most part. We have not heard testimony from the artichect. But we will in a minute but would you say that even with a second story with that new home you are building have kind of negative detriment on the community? Are there other 2 level homes?

MR. COLLAKU: Yes. We have 2 – 3 neighbors there.

MR. WEISS: So, it's not necessarily ranch styles at all? You have a mix.

MR. COLLAKU: Yes.

MR. WEISS: So you building a two-story house would not be too different than what's there. And, of course, a very simple question….building a home in a residential neighborhood even with the variance request does not alter from the zone plan that the township has in effect meaning building a home in a residential neighborhood seems normal to you

MR. COLLAKU: Yes it does.

MR. WEISS: I would agree with that.

MAYOR GREENBAUM: Also the houses on the left and right ….

MR. WEISS: The Mayor had asked how close are the homes to you.

MR. COLLAKU: Only the one on the left is like very close like 20 feet.

MR. WEISS: Catherine, do you know off the top of your head, if the homes to his right and left are pre-existing non-conforming as well? Hard to say.

MS. NATAFALUSY: Yes. The home to the left is 1 ½ acres the home on the right is 1 acre. So they all (inaudible) tax map.

MAYOR GREENBAUM: Will the addition of the second story in anyway impact your neighbors in terms of the use and enjoyment of their properties.

MR. COLLAKU: I believe not.

MR. DOUGHERTY: I would agree with Mr. Collaku. I think that the surrounding yards would be kept clear judging by the slope and the typography there will be no blocking the sunlight.

MR WEISS: Ok. Maybe let's hear from Mr. Doughtery about the plan that's proposed. We know it's a second floor maybe we have a copy of the plans in front of us anything you might want to add?

MR. DOUGHERTY: Mr. Collaku and his wife requested a second floor to basically move the bedrooms upstairs and create another a third bedroom. Research has shown that the septic system will in fact support that…inaudible…right now there are two bedrooms in there. A third one will be added. We do have an Environmental Engineering firm that will be working on the re-design of the system. Houser Engineering over in Ringwood, New Jersey, will be handling that. Also, we want to note that a portion of the existing first floor about 5 feet or so…ok…not the front porch but a portion of the existing first floor will be removed. The Collaku's have requested that be demoed and then along with the existing front porch so those two areas will be demoed. And then a new front porch will be put in place about 6 feet deep which will in sense bring the front of the house about 5 feet further back from Station Road…ok…they reduced the footprint of the house. It will still of course lead to requesting the variance for the building coverage but it will reduce the footprint of the house along with removed the low portion of the deck in the rear this is a specific design request.

MR. WEISS: I would imagine this is pretty much standard condition of approval would be a Health Department approval of the septic system and that if you are from a two bedroom to a four bedroom or a three bedroom to a four bedroom whatever the increase is going to be that their septic system will be able to handle the increase in square footage and that would be a standard condition.

MS. NATAFALUSY: I did send this to the Health Department, however, the Health Officer was out and I could not get a report. He comes back from vacation next week. So I…..

MR. WEISS: Well. Ok. And even if that were the case, I'm sure the Health Department would give us a general approval not so much a field approval or technical approval so that condition obviously understand Mr. Collaku that your septic will have to pass the standards that are in place that the Health Department will enforce Um….

A RESIDENT FROM THE PUBLIC: I have a question.

MR. WEISS: You certainly could, if you came in and sworn in and I don't mind if you want to whisper it to your professional and save the energy…it doesn't matter…

MR. COLLAKU (SON): The house in fact was a four bedroom

MR. WEISS: So you're going from a four bedroom to a four bedroom?

MR. DOUGHERTY: Three bedroom. It will be three bedrooms.

MR. WEISS: So you're going from a four to a three?

MR. COLLAKU: Yes

MR. WEISS: Ok so it doesn't seem to be much of an issue. Ok, but understand that will be a condition of your approval. Um…the square footage of the home. Do you remember what it was do you know what it was?

MR COLLAKU: About 1,500.

MR. WEISS: And it's going to be?

MR. COLLAKU: 1,700/1,800.

MS. NATAFALUSY: Both levels?

MR. COLLAKU: Yes.

MS. NATAFALUSY: Yes, because it's about 1,200 square feet

MR. DOUGHTERY: I would say about 600 square feet or so will be added to the second floor for the master bedroom space and 1 common bathroom.

MR. WEISS: Ok I guess that's interesting that's not a tremendously large addition from what was there. Your adding a modest addition for the reasons that you stated. It sounds to me like the proofs were

made on the positive and negative criteria. We have the plans. Mr. Doughtery do you have anything else?

MR. DOUGHTERY: I have nothing to add. If anyone has any questions for me.

MR. WEISS: Brian?

MR. SCHAECHTER: One question on the plan sheet 4 of 4 in the second bedroom. Looks like you have the closet mislabeled. Bedroom 5.2 Bedroom 5.0 Bedroom 2.0 I'm sure that's a closet, otherwise you have another 4 bedroom house, but a very small 4th bedroom.

MR. DOUGHERTY: (inaudible)

MR. WEISS: Ok minor. Not a problem.

MR. SCHAECHTER: Just an observation.

MR. WEISS: Thank you for that, Brian. Anybody else have any questions for Mr. Doughtery or Mr. Collaku? Who does?

MS. COFONI: I just want to make sure I have the numbers right. You that said the existing home or the pre-existing home was about 1,500 square feet and you're going to about 1,800 square feet?

MR. COLLAKU: Yes.

MR. WEISS: Anybody else? I see nothing from the Planning Board. Does anybody from the public have any questions or comments for the testimony given tonight for these gentlemen? Seeing none. I'll close to the public. And with that I will turn to the Planning Board for a motion.

MR. NELSEN: I will make a motion accept 15-27. (correction: application #PB 15-29 -cmn)

MR. MANIA: I will second.

MR. WEISS: And that's for approval I take it gentlemen?

MR. NELSEN: Yes.

MR. WEISS: Dan thank you, and John thank you very much. Any comments? Seeing none. Catherine…wait before I do that. Before I ask for the vote, let's just review the conditions.

MS. COFONI: Just Health Department approval for the septic system and the standard conditions that we have.

MR. WEISS: Dan you ok with that, John you're ok with that?

MR. NELSEN: Yes

MR. MANIA: Yes

MR. WEISS: Roll call, Catherine.

Roll Call:

Joe Fleischner	-yes
Brian Schaechter	-yes
Mayor Greenbaum	-yes
David Koptyra	-yes
John Mania	-yes
Dan Nelsen	-yes
Nelson Russell	-yes
Kim Mott	-yes
Howie Weiss	-yes

MR. WEISS: Mr. Colluka good luck to you.

MR. COLLUKA: Thank you.

MR. WEISS: Mr. Doughtery, thank you for coming.

MR. DOUGHTERY: Thank you.

MR. WEISS: I have nothing else on the agenda tonight. If anybody has anything they want to discuss, we have lots of time or we can adjourn to go home…..

MR. MANIA: To watch the Dodgers lose

MR. WEISS: If that's what you want to do….

MR. SCHAECHTER: I'll make a motion to adjourn.

MR. MANIA: Second.

MR. WEISS: All in favor

(MEETING ADJOURNED AT 7:43 PM)

Transcribed by:
Mary Strain
Planning Department